

Filed: July 5, 2006
Staff: Trever Parker
Staff Report: July 11, 2006
Hearing Date: July 19, 2006
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2006-09

APPLICANT (S): Ron Zemel

AGENT: N/A

PROJECT LOCATION: Base of Edwards Street right-of-way, Trinidad State Beach parking area

PROJECT DESCRIPTION: Design Review to utilize a large driftwood stump washed up near the parking lot at Trinidad Beach to create a public bench. The stump will be moved approximately 20 feet southwest to an approved City bench location. No anchoring of the stump is proposed.

ASSESSOR'S PARCEL NUMBER: Right-of-way / 042-071-01

ZONING: NA / OS – Open Space

GENERAL PLAN DESIGNATION: NA / OS – Open Space

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15303 of the CEQA Guidelines exempting new construction or placement of small structures.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project is **X** **is not** appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act, because no Coastal Development Permit is being issued.

SITE CHARACTERISTICS:

The project site is located at the base of the Edwards Street right-of-way, at the edge of the Trinidad Beach parking area, adjacent to the main beach access way. The exact configuration of the property lines is in question; the Rancheria is in the process of having the monuments resurveyed. The stump proposed to be used as a bench washed up on the shore naturally during winter storms. Using a small backhoe, the stump will be moved approximately 20 feet to the southwest to an approved City bench location. Both the City and the Rancheria have given their previous approval to locate a bench at this spot, regardless of whose property it is actually on. The site is sandy, with non-native beach grass growing in areas; an aerial photo has been provided showing the project area. Photographic renditions of the proposed bench, along with photos showing its proposed placement are also provided.

STAFF COMMENTS:

The Planning Commission may recall that this project originally came before them as an item from the floor during the February 2006 Planning Commission meeting. However, the Planning Commission can not legally make a determination on an item from the floor. Staff researched the project in terms of City regulations. Since the stump will not be anchored to the ground, the project does not meet the City's, or the Coastal Act's, definition of structure or development, and therefore does not require a Coastal Development Permit; Coastal Commission staff concurred with this conclusion. Because the bench would not be a "structure", nor would it be "development", and the use of driftwood is not regulated on City beaches, staff advised the applicant to move forward with the project on their own. However, the applicant requested permission from the City in writing. This would give the City implicit liability for the structure. Further, the applicant proposes to donate the bench to the City after construction, and it will be used officially as a public bench. Therefore, it was determined that a formal public hearing should be required, and that Design Review was the most appropriate approval process. The City Council approved the processing of this application at their meeting of June 14, 2006.

ZONING ORDINANCE/GENERAL PLAN CONSISTANCY:

As explained above, this bench does not fall under the City's, and Coastal Act's definitions of development, making it problematic to analyze in terms of City regulations. The project is located either within the City's Edwards Street right-of-way, which has no associated zoning, or on Rancheria property, which is zoned Open Space (OS). Public recreation, including trails, benches and vista points are allowed in the OS Zone. The bench will be located adjacent to an officially designated public trail.

Although not specifically applicable to this project, the regulations of the SE zone relating to minimum lot area, maximum density or maximum building height do not apply to this project. The project will not be located on or near the edge of a bluff. The bench

is located outside the stream protection area. The project also does not fall within the Tsurai Study Area. The bench will not affect the open space character of the area, and no open space easement is required. The project may be within the tsunami hazard area and may be subject to removal or damage by winter storm waves. However, due to the fact that the bench will be placed on a stump that naturally washed ashore and will not be permanently anchored, this is acceptable.

The City has approved policies / procedures for bench placement and plaque dedication. As noted above, the bench is in a location previously designated as a priority location by the Planning Commission. Whether a proposed bench is in a priority location or not, the City's current policies require the Planning Commission to review the location, design and any plaque, including the wording for City benches. There is not formal procedure for making a decision on whether to approve a proposed bench placement, and Design Review is the most appropriate process. Generally benches are constructed by City staff and the design is standardized throughout the City. The proposed bench will be atypical from other benches in the City, making Design Review an appropriate component of the approval of this project.

The General Plan does not discuss benches specifically. But it does recommend that low intensity recreation, which benches and trails qualify as, is appropriate in existing open space / undeveloped areas, along bluffs and near the shorelines.

SLOPE STABILITY

The area where the proposed project is located may be within an area mapped as being of "questionable stability" on Plate 3 of the Trinidad General Plan. Further, due to the shifting nature of the sand in this area, it is inherently unstable. However, no permanent structure development is proposed that would require geologic review.

SEWAGE DISPOSAL

There is no sewage disposal associated with this project.

DESIGN REVIEW/VIEW PRESERVATION FINDINGS:

This project is subject to the Design Review and View Preservation criteria set by Zoning Ordinance Section 17.60. The following findings can be made based on the responses provided.

Design Criteria

- A. The alterations of natural land forms caused by cutting, filling and grading shall be minimal. Structures should be designed to fit the site rather than altering the land form to accommodate the structure. *Response: The project will utilize a stump*

naturally washed ashore by wave action. Although the bench will be moved 20 feet, very little ground disturbance will occur.

- B. Structures in, or adjacent to open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible. *Response: The purpose of the bench is to produce a unique bench utilizing a natural feature of the landscape.*
- C. Materials and colors used in construction shall be selected for compatibility both with the structural system of the building and with the appearance of the building's natural and manmade surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided. *Response: The bench will be constructed with a natural driftwood stump, with a wooden bench platform placed on it.*
- D. Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used. *Response: The bench will have minor visual impacts; new landscaping can be found to be unnecessary. Vegetation may interfere with the public's use of the bench.*
- E. On-premises signs should be designed as an integral part of the structure and should complement or enhance the appearance of the surrounding area. *Response: No on-premise signs are associated with this project.*
- F. New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials. *Response: No utilities are required for this development.*
- G. Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should have a single design theme. *Response: No off-premise signs are proposed as part of this project.*
- H. When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:
 - 1. Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.

2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.

Response: No buildings are proposed as part of this project.

View Protection Criteria

- A. Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible. *Response: The proposed bench is meant to be visible from the public trail to enhance recreational opportunities, but has been designed to be unobtrusive and to blend with the environment by utilizing a naturally occurring driftwood stump.*
- B. Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection. *Response: The proposed bench will be higher than 3' but will provide enhanced recreational opportunities and provide a panoramic vista of the Trinidad Beach area. Utilizing a natural driftwood stump, the bench will appear as a natural part of the landscape.*
- C. The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction. *Response: There is no residence proposed as part of this project, and no private views will be affected.*
- D. If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected. *Response: There is no residence proposed as part of this project.*
- E. The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined

in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards. *Response: The proposed bench is not within 100' of the Tsurai Village Site, Trinidad Cemetery, Holy Trinity Church or the Memorial Lighthouse.*

STAFF RECOMMENDATION:

The project is consistent with the City's Zoning Ordinance and General Plan and the necessary findings for granting approval of the project can be made. Should the Planning Commission find that the Use Permit and Design Review/View Protection Findings can be made, then staff recommends that the Planning Commission approve the project with a motion similar to the following:

Based on application material, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings and approve the project as submitted and as conditioned below.